

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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|----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Applicant's or agent's file reference 5289.01 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/US00/29815 | International filing date (day/month/year) 27 OCTOBER 2000 | Priority date (day/month/year) 27 OCTOBER 1999 |
| International Patent Classification (IPC) or national classification and IPC IPC(7): H04N 7/173 and US Cl. 725/87 | | |
| Applicant DISCOVERY COMMUNICATIONS INC. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

| | |
|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Date of submission of the demand 02 MAY 2001 | Date of completion of this report 27 DECEMBER 2001 |
| Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 | Authorized officer CHRISTOPHER GRANT Telephone No. (703) 305-4755 |
| Facsimile No. (703) 305-3230 | |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/29813

I. Basis of the report

1. With regard to the elements of the international application:*

 the international application as originally filed the description:

pages _____ (See Attached) _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

 the claims:

pages _____ (See Attached) _____, as originally filed

pages _____, as amended (together with any statement) under Article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____

 the drawings:

pages _____ (See Attached) _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

 the sequence listing part of the description:

pages _____ (See Attached) _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4 The amendments have resulted in the cancellation of: the description, pages NONE the claims, Nos. NONE the drawings, sheets fig NONE5. This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

| | | | |
|-------------------------------|--------|-------------------------|-----|
| Novelty (N) | Claims | <u>1-17,38-47,49-60</u> | YES |
| | Claims | <u>18-37,48,61-71</u> | NO |
| Inventive Step (IS) | Claims | <u>1-17,38-47,49-60</u> | YES |
| | Claims | <u>18-37,48,61-71</u> | NO |
| Industrial Applicability (IA) | Claims | <u>1-71</u> | YES |
| | Claims | <u>NONE</u> | NO |

2. citations and explanations (Rule 70.7)

Claims 18-37, 48 and 61-71 lack novelty under PCT Article 33(2) as being anticipated by Hendricks et al. (WO 95 15649). Considering claim 18, Hendricks discloses a method for delivering electronic books in an electronic book delivery system comprising:

- a) storing main sections of electronic books (index or titles stored at the library 262 as disclosed throughout the reference including but not limited to pages 18-19 and figure 10), wherein the index of a book inherently comprises one or more pages of content;
- b) receiving a request for a main section of an electronic book (figure 10, step 700);
- c) locating the requested main section (figure 10, step 708); and
- d) providing the located main section (figure 10, step 712).

However, Hendricks fails to specifically disclose that the main section comprises one or more pages of content from a corresponding electronic book as recited in the claim.

It is notoriously well known in the art that the index of a book typically comprises one or more pages of plural pages

Claims 19-27 are met by figure 10 and pages 18-19, wherein the auxiliary sections are the pages of a book.

Considering claims 28, 48 and 61, Hendricks discloses a method for delivering electronic books in an electronic book delivery system comprising:

- a) storing first sections (index or titles) at the library (262) or at the operations center (250) as disclosed throughout the reference including but not limited to pages 18-19 and figure 10), wherein the index of a book inherently comprises one or more pages of content;
- b) storing second sections (pages of the book) at the library (262) or at the operations center (250) as disclosed throughout the reference including but not limited to pages 18-19 and figure 10);
- c) receiving a request for an electronic book (figure 10, step (Continued on Supplemental Sheet.)

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

I. BASIS OF REPORT:

This report has been drawn on the basis of the description,
page(s) 1-89, as originally filed.

page(s) NONE, filed with the demand.
and additional amendments:

NONE

This report has been drawn on the basis of the claims.

page(s) 90-102, as originally filed.

page(s) NONE, as amended under Article 19.

page(s) NONE, filed with the demand.

and additional amendments:

Pages 93-94, 98 and 101, filed with the letter of 05 November 2001.

This report has been drawn on the basis of the drawings.

page(s) 1-53, as originally filed.

page(s) NONE, filed with the demand.

and additional amendments:

NONE

This report has been drawn on the basis of the sequence listing part of the description:

page(s) NONE, as originally filed.

page(s) NONE, filed with the demand.

and additional amendments:

NONE

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

716);

d) retrieving a second section (i.e. the pages of the book); and

e) providing the located main section (figure 10, step 720).

Claims 29-37 and 62-70 are met by figures 1-10.

Claim 71 lacks an inventive step under PCT Article 33(3) as being obvious over Hendricks.

Considering claim 71, Hendricks discloses all the claimed subject matter above, except for the Internet Web site as recited in the claim.

It is notoriously well known in the art that the Internet is the most widely used source of information.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Hendricks' system to include an Internet Web site because the Internet is the most widely used source for obtaining information.

Claims 1-17, 38-47 and 49-60 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a method and corresponding apparatus for distributing electronic books to subscribers comprising storing electronic books, receiving book orders, determining a queue location, placing first and second sections in first and second queues or receiving electronic books, placing or more books in a plurality of queues and emptying the queues in accordance with a priority model as recited in the claims.

----- NEW CITATIONS -----

WO 95 15649 A (HENDRICKS et al.) 08 June 1995, figures 10-12.
US. 4,855,725 A (FERNANDEZ) 08 August 1989, abstract figures 1-3